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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/032,551 02/26/98 WERVE

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TM11/1023

EXAMINER

NGUYEN, S

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 10/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/032,551

Applicant(s)
Werve et al.

Examiner
Steven Nguyen

Group Art Unit
2664



☒ Responsive to communication(s) filed on Aug 8, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-55 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-55 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment C filed on 8/8/2000. Claims 1-55 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-5, 7-10 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, the recitation "wherein . . . groups . . . web pages" is vague and indefinite. It does not refer back to any element of claim 1.

Claim 5, the recitation "wherein . . . group . . . available" is vague and indefinite. It does not refer back to any element of claim 1.

Claims 7-10 and 15 have same problems.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-3, 8-11, 15-22, 27-30, 34-40, 45-48 and 52-55 are rejected under 35

U.S.C. 102(e) as being anticipated by Dilip (USP 6094673).

As claims 1-3, 8, 11, 15-22, 27, 30, 34-40, 45, 48 and 52-55, Dilip discloses a Web Server including a plurality of web pages having a plurality of buttons such as an audio button for contacting an agent (Fig 2, Ref 40) and a plurality of agents (Fig 1, Ref 20s); detecting activation of an audio icon of the plurality of icons by the Internet user (Fig 1, Ref 20, click on an audio button for contacting an agent); determining (col 14, lines 55-65) a history of a view web page before the Internet user click on an audio button for selecting a best agent from a plurality of agents (col 4, lines 60-63 and col 11, lines 20) and established Internet phone (col 11, lines 44-45) between a Internet user and the selected agent (Fig 5, col 4, lines 46 to col 7, lines 7 and col 10, lines 52 to col 15, lines 14).

Claim Rejections - 35 U.S.C. § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-5, 8, 18-24, 27, 37-42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dekelbaum et al (USP 5838682) in view of Miloslavsky (USP 6130933) and Sonesh (USP 6046762).

As claims 1-3, 8, 18-22, 27 and 37-39, Dekelbaum discloses a method for establishing an audio call path between an Internet user accessing a web site and an agent of the web site comprises the steps of providing the web site with a plurality of audio access icons and a plurality of agent groups; associating an agent group of the plurality of agent groups with a subject matter of each audio-access icon of the web site (Fig 1B, 6, Col 5, line 25 to col 7, line 52, Dekelbaum et al disclose a web site which includes a plurality of web pages with the embedded phone number or

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data address of each of plurality of group of agents so that when the user views the web page information and decides to speak to an agent the user just click on the hot spot such as hypertext link, image, button or icon wherein the phone number or data address is embedded in it to establish a call path between the user and an agent group over a local area network). However, Dekelbaum does not show the steps of detecting an activation of an audio access icon of plurality of icons; determining an overall type of question associated with each audio icon from a context of prior interactions between the Internet user and the web site; selecting an agent with a best relative ability to answer the determined type of question based upon a skill list for the agent group and establishing a voice path using IP telephony between the Internet voice plug-ins of user and an agent of the associated agent group based upon activation of an audio-access icon by the user. In the same field of endeavor, Miloslavsky discloses the steps of detecting an activation of an audio access icon of plurality of icons; determining an overall type of question associated with each audio icon from a context of prior interactions between the Internet user and the web site; selecting an agent with a best relative ability to answer the determined type of question based upon a skill list for the agent group (col 6, lines 7-45, a user clicks on the icon, his computer transmits an HTML page and user's information to call center which selects an agent based on the predetermined criteria such as HTML document that the Internet user saw before clicking on the icon) and Sonesh discloses a well-known method for establishing a voice path using IP telephony between the Internet voice plug-ins of user and an agent of the associated agent group based upon

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activation of an audio-access icon by the user (Col 6, lines 5-8 and Fig 6, Ref 660, click on Icon for establishing IP telephony by using a plug in module)

Since, Dekelbaum suggests the use of autodialer which is plug in into the web browser and a method of establishing an IP telephony between two computers and the routing path between the caller and a skill agent by using an ACD are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply teaching of Sonesh and Miloslavsky such as determining routing path between the client and a skill agent in order to establish a IP telephony via Internet into Dekelbaum's communication system. The motivation would have been to avoid a long distance charge when the customer requests some information about the product.

As claims 4 and 23, it is a designer choice for correlating a training level of an agent group of the plurality of agent groups with an information content of an audio-access icon of the at least some web pages.

As claims 5 and 24, Dekelbaum et al disclose an ACD which places the user in a call queue of the associated group until a next available agent becomes available (Fig 1B, 106).

As claims 40-41, it would have been explicit to one of ordinary skill in the art to apply a look up table in a memory of the web site controller which relates to the information content of each web page of the at least some web pages with an audio access icon disposed on the web page and a call distribution look up table which correlates to the level of an agent group of the plurality of agent groups with information content of an audio access icon of the at least some

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web pages in order to display the correct information web page and establish a correct call path when the user click on the web page.

As claim 42, the claim 42 is similar to claim 5. Therefore, it is rejected under similar rationale.

As claim 45, the claim 45 is similar to claim 8. Therefore, it is rejected under similar rationale.

8. Claims 6-7, 25-26 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dekelbaum, Sonesh and Miloslavsky as applied to claim 1, 20 and 37 above, and further in view of Gerber (USP 5657383).

As claims 6-7 and 25-26, Dekelbaum discloses an ACD. However, Dekelbaum fails to disclose a step of measuring a time period that the user has been in the call queue and comparing the measured time with a threshold value and overflowing the user to a queue of another agent group when the measured time exceeds the threshold (Fig 6A-6C discloses a call which places in the queue of team A for period of time and using this time to comparing with a threshold in order to move the user to another team such as Team B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the method for identifying the waiting period of a user and comparing it with a threshold in order to transfer the user to another group of an agent as taught by Gerber et al into the communication system of Dekelbaum et al. The suggestion/motivation would have been to avoid an overflow of a queue of a level of a group of agents.

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As claims 43-44, the claims 43-44 are similar to claims 6-7. Therefore, they are rejected under similar rationale.

9. Claims 9-17, 28-36 and 46-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dekelbaum, Sonesh and Miloslavsky as applied to claims 1, 20 and 37 above, and further in view of Bateman et al (USP 5884032).

As claims 9-10 and 28-29, Dekelbaum et al fail to disclose a step of transferring an Internet address of the selected agent to the user and an Internet address of the user to the selected agent. However, in the same field of endeavor, Bateman et al disclose a method for establishing a call path by using the Internet address of the user and agent by transferring an Internet address of the selected agent to the user and an Internet address of the user to the selected agent (Col 6, lines 66 to col 8, lines 13, the user transfer its Internet address to an agent by embedded its Internet address in URL form when it clicks on the audio access icon and agent uses this Internet address to transfer its Internet address to the user in order to setup a voice channel; Furthermore, establishing a voice channel on the Internet the caller and calle must know its recipient Internet address to transfer a voice data to each other).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to recognize that the user and agent must know the Internet address each other in order to transfer a voice data. The suggestion/motivation would have been to establishing a voice channel over Internet.

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As claims 11-12 and 30-31, Dekelbaum et al disclose a web site controller which include in the Internet server (Fig 1B, 102, retrieve information of user to display at terminate of agent) to decode the information which includes in the requested user. The controller will decode the information in it. However, Dekelbaum et al fail to disclose a web site controller used to decode the information and recover the user Internet address. In the same field of endeavor, Bateman et al disclose when the user click on an audio access icon the user IP is filled automatically in the request from in a hidden field in the request form and transmit it to the web server. The web side controller decodes the user IP address and transfers this IP address to the agent in order establishing a voice channel (Col 7, lines 2-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to recognize that a web site must include a web site controller in order to decode and recover the user Internet address and transfer it to the agent. The suggestion/motivation would have been to establishing a voice channel over Internet.

As claims 13-17 and 32-36, it would have been explicit to one of ordinary skill in the art to create an entry information web page such as credit card to allow the customer to enter data, transfer a collected information and identifier agent to a database of the web site and the group of agents and retrieve the user record from database and display this record at the terminal of agent.

As claims 46-47, the claims 46-47 are similar to claims 9-10. Therefore, they are rejected under similar rationale.

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As claims 48-49, the claims 48-49 are similar to claims 11-12. Therefore, they are rejected under similar rationale.

As claims 50-51 and 53-55, the claims 50-51 and 53-55 are similar to claims 13-17. Therefore, they are rejected under similar rationale.

As claims 52, it would have been explicit to one of ordinary skill in the art to couple a database in order to store the customer records.

10. Claims 4-7, 9-10, 12-14, 23-26, 28-29, 31-33, 41-44, 46-47 and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dilip (USP6094673).

As claims 4-7, 9-10, 12-14, 23-26, 28-29, 31-33, 41-44, 46-47 and 49-51, Dilip does not disclose the claimed invention. However, Official Notice is taken that both the concept and the advantages of providing a method and apparatus establishing an Internet phone as disclosed in these claims well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include these steps into Dilip's a call center. The motivation would have been to reduce a long distance cost for Internet user and retailer.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ginsberg (USP 6064730) discloses a method and apparatus for calculating a waiting time in call center.

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Anupam (USP 6070185) discloses a call center for allowing a internet user clicks on button for establishing an internet phone with a CSR.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

The fax phone number for this group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding

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should be directed to the Group receptionist whose telephone number is (703) 305-4700.

STEVEN H. D. NGUYEN

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October 16, 2000



WILLIAM H. CHILTON
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